

Part E employee in conformance with the provisions of §§30.800 through 30.811.

(c) If OWCP determines that a deceased covered Part E employee had an aggregate of not less than ten calendar years of adjusted earnings that did not exceed 50 percent of his or her average annual earnings, it will pay the eligible surviving beneficiary(s) additional compensation (the basic survivor award payable under section 7385s-3(a)(1) is \$125,000) in the amount of \$25,000 pursuant to section 7385s-3(a)(2) of the Act. In the alternative, if OWCP determines that the aggregate number of such years is not less than 20 years, it will pay the eligible surviving beneficiary(s) additional compensation in the amount of \$50,000 pursuant to section 7385s-3(a)(3).

### **Subpart J—Impairment Benefits Under Part E of EEOICPA**

#### **GENERAL PROVISIONS**

#### **§ 30.900 Who can receive impairment benefits under Part E of EEOICPA?**

In order to receive impairment benefits under Part E, the employee must show that:

(a) He or she is a covered Part E employee who has been determined to have contracted a covered illness through exposure to a toxic substance at a DOE facility or a RECA section 5 facility, as appropriate, pursuant to either §§30.210 through 30.215 or §§30.230 through 30.232 of these regulations; and

(b) He or she has been determined to have an impairment, pursuant to the regulations set out in this subpart, that is the result of the covered illness referred to in paragraph (a) of this section.

#### **§ 30.901 How does OWCP determine the extent of an employee's impairment that is due to a covered illness contracted through exposure to a toxic substance at a DOE facility or a RECA section 5 facility, as appropriate?**

(a) OWCP will determine the amount of impairment benefits to which an employee is entitled based on one or more impairment evaluations submitted by physicians. An impairment evaluation

shall contain the physician's opinion of:

(1) The extent of whole person impairment of all organs and body functions of the employee that are compromised or otherwise affected by the employee's covered illness or illnesses, which shall be referred to as a "minimum impairment rating"; and

(2) the extent of such impairment attributable to an employee's covered illness or illnesses.

(b) The minimum impairment rating shall be determined in accordance with the current edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (AMA's *Guides*). In making impairment benefit determinations, OWCP will only consider medical reports from physicians who are certified by the relevant medical board and who satisfy any additional criteria determined by OWCP to be necessary to qualify to perform impairment evaluations under Part E, including any specific training in use of the AMA's *Guides*, specific training and experience related to particular conditions and other objective factors.

(c) OWCP will establish criteria based upon objective factors such as training and certification that must be met by physicians preparing impairment evaluations in order for an impairment evaluation to be considered in determining an impairment award. Such criteria shall be made available to claimants and the public by OWCP.

(d) If one or more percentage points of the minimum impairment rating are found by OWCP to be the result of a covered illness, the employee is entitled to an award of impairment benefits.

#### **§ 30.902 How will OWCP calculate the amount of the award of impairment benefits that is payable under Part E?**

OWCP will multiply the percentage points of the minimum impairment rating that are the result of the employee's covered illness or illnesses by \$2,500 to calculate the amount of the award.